



## Sam Mitchell

Called: 2021

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Sam Mitchell joined Quadrant Chambers on 20 December 2022, upon successful completion of pupillage. Sam regularly appears in both arbitral proceedings and the High and County Courts and accepts instructions across chambers' core and specialist areas, including shipping, commercial litigation, fraud, insolvency, insurance, private international law, aviation and financial services.

Before joining Quadrant Chambers, Sam completed pupillage at a commercial chancery set, gaining comprehensive experience in banking, civil fraud, insolvency, landlord-tenant, and financial services disputes. Sam graduated from Oxford with a first-class degree in Philosophy and Theology, being awarded the Thomas William Thomas Scholarship in each of his three years, and achieved a Distinction in both his MA Law and Bar course. Sam was also selected to represent England at the International Negotiation Competition 2021 in Tokyo.

Sam's recent instructions include:

- Appearing in the Admiralty Court as sole counsel, challenging the English court's jurisdiction over a claim in a "forum non conveniens" application **CUP SA v Sea Pioneer Ltd** (Claim No AD-2022-000068);
- Successfully challenging an application to have two statutory demands set aside in **Badola & anr v Armada Investments Ltd** (0097 and 00098 of 2023);
- Assisting Paul Toms in drafting Reply Submissions on behalf of cargo-owners in **Luster Maritime SA & anr v Evergreen Marine Corporation (Taiwan) Ltd & others (The Ever Given)**;
- Winding up a company in the Insolvency and Companies List of the High Court;
- Successfully negotiating a settlement agreement in mediation, in the context of an alleged breach of security services agreement;
- Assisting Tom Bird with the acquisition of an urgent anti-suit injunction to prevent the advancement of Nigerian proceedings against a Nigerian company;
- Regularly representing airlines in passenger disputes for compensation, including: **Faherty v British Airways plc** (Claim No 299MC357), **Ishchuk & Fisher v Finnair OJY** (J33YJ552), **O'Rorke v Emirates** (J15YJ314); **Simple v British Airways plc** (285MC503), and **Dolan v Ryainair DAC** (K08YX112).

## Shipping

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Sam regularly advises and drafts pleadings in court proceedings and LMAA, ICC and GAFTA arbitrations for a variety of shipping disputes including on: the construction and incorporation of charterparty terms, demurrage claims, speed and performance claims (and quantification of loss), damage to cargo, damage to vessels, salvage claims, and claims under the CMR.

Sam has also recently worked with Nichola Warrender KC and Rob Ward in an arbitration under the Singapore International Arbitration Act, where he appeared as sole counsel to deal with various interlocutory applications.

Sam also accepts instructions in broader maritime contexts, which have included advising on claims concerning yacht repairs, yacht-building and the management and ownership structures of yachts. He has also worked with James Turner KC to advise a charity on the applicability of the Maritime Labour Convention 2006 to overseas employment contracts.

## Commercial Dispute Resolution

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Sam accepts instructions in any commercial dispute. He has recently:

appeared as sole counsel in **Plaza Estates Agency Ltd v Maddah** (Claim No J55YX651), defending a claim for commission under an

agency agreement;

- Worked with Joe Gourgey to review the construction and application of a tranche of international pharmaceutical supply agreements;
- Assisted Henry Ellis in advising on the principles of restitution in the context of terminated ship-building contracts;
- Advised on several sale of goods contracts, particularly in the context of GAFTA arbitrations;
- Worked on a number of matters involving civil fraud and conspiracy, including: advising on the prospects of having a judgment set aside on the basis of fraud, drafting pleadings on the basis of conspiracy and misuse of private information, and assisted Yash Kulkarni KC on the application of civil fraud, misrepresentation and the economic torts in the context of the purchase and sale of a company; and
- Appeared in various interlocutory applications, including CCMCs, attaining default judgment against foreign defendants, successfully striking out a claim for an alleged breach of storage services, and applying for relief from sanctions.

## Insolvency

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Sam accepts instructions in both bankruptcy and winding-up proceedings. Sam has recently: successfully defended an application made by two individuals to set aside statutory demands, wound up a company in the Insolvency and Companies List of the High Court, and acted for two debtors in pre-action correspondence to successfully dissuade a party from issuing a statutory demand against them.

Sam also has experience in the context of broader company disputes and the provision of financial service. Recent examples include:

- Advising and drafting pleadings in a claim for a failure to deliver security for transferred loans;
- Successfully applying to rectify the register regarding a charge over shares created by a company under s869A Companies Act 2006;
- Assisting senior members of counsel in shareholder disputes, including claims for inaccurate listing particulars under s90 and 90A Financial Services and Market Act 2000 and for unfair prejudice under s994 Companies Act 2006.

## Academic

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Bar Vocational Studies (PG Diploma): Distinction - City, University of London

MA Law: Distinction - The University of Law, Manchester

BA (Hons) Philosophy and Theology: First Class - University of Oxford

## Awards

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1st at regional and national level -CEDR National Student Negotiation Competition, March 2019

1st in The University of Law (Manchester) Legal Apprentice Challenge 2019

Awarded Lincoln's Inn Lord Denning Scholarship 2020/21

Thomas William Thomas Scholar 2015-18 at Jesus College, University of Oxford